

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

FRANCIS H. CABEZAS,)
Plaintiff,)
v.) No. 06-0802-CV-W-DW
7-ELEVEN, INC., et al.,)
Defendants.)

ORDER

Before the Court is Defendants' motion to dismiss or to quash service of process (Doc. 3). It appears that no Defendant has been properly served under Federal Rule of Civil Procedure 4. The Court therefore hereby

GRANTS IN PART the motion (Doc. 3), and ORDERS that service is quashed; ORDERS that Plaintiff may adequately serve the proper Defendant within 30 days of the this Order. Failure of timely service will result in dismissal of this case without further. Further, the Court

DENIES WITHOUT PREJUDICE the motion to dismiss under Federal Rule 12(b)(4),
(b)(5), and (b)(6).

SO ORDERED.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: January 11, 2007